

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 23, 2001 - Page 1 of 9

- I. ROLL CALL:** This Planning Board Meeting was held in the City Council Chambers of Lewiston City Hall; was called to order at 7:05 p.m.; and was chaired by Chairman Dennis Mason.
- **Members in Attendance:** Dennis Mason, John Cole, Roger Lachapelle, Lewis Zidle, Rob Robbins, and Kristine Kimball.
- **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; David Sanborn, Planning Coordinator; and Doreen (Asselin) Christ, Administrative Secretary - Planning Division.
- **Absent:** Planning Board Student Member Ethan Chittim.
- II. ADJUSTMENTS TO THE AGENDA:** Not listed on the agenda, but to be heard before Item No. 1 under Other Business pertaining to Item No. V. Final Hearings, Item C. is the De minimus change for the Neighborhood Housing Initiative, Inc. (NHI) on the Sisters of Charity Health Care System (SOCHS).
- III. CORRESPONDENCE:**
- A. A memorandum dated October 23, 2001 prepared by David Hediger, Land Use Inspection Officer, and An Ordinance Pertaining to Zoning Boundaries, effective 03/16/00 and adopted 02/15/00 in regards to 16 Wellman Street.
- B. Correspondence dated October 23, 2001 from Michael Gotto of Technical Services, Inc. in regards to Carter's Self-Storage and Love That Car Wash Too along with a paper copy of the Final Plan and Planning Board Project Development Review Forms from the Police Department and Code Enforcement, along with a memorandum dated October 22, 2001 prepared by David Hediger, Land Use Inspection Officer.
- C. Letter of Transmittal dated October 19, 2001 along with and in regards to the Revised Traffic Impact Study for the Bates Mill project showing Lincoln Street as a north-south street from Jeremiah J. Bartlett, Project Engineer, of Gorrill-Palmer Consulting Engineers, Inc.
- D. Correspondence dated October 23, 2001 from Michael Grimmer, Facilities Management, of the Sisters of Charity Health System (SOCHS) in regards to Golder Street Drainage Issues; correspondence dated October 19, 2001 from James J. Lysen, AICP, Planning Director, of the City of Lewiston to Jeff Madore, Director, of the M.D.E.P. in regards to municipal jurisdiction of the St. Mary's Regional Medical Center in Lewiston; correspondence dated October 23, 2001 from Michael Gotto of Technical Services, Inc. transmitting both paper copies and mylar copies of the Final Plans for the St. Mary's Regional Medical Center parking lot expansions; and Planning Board Project Development Review Form dated October 22, 2001 from David Hediger, Land Use Inspector Officer of Code Enforcement along with his memorandum regarding the St. Mary's Parking Areas.
- E. A cover letter dated October 19, 2001 from Jeremiah J. Bartlett, Project Engineer of Gorrill-Palmer Consulting Engineers, Inc. submitting a copy of the Traffic Impact Study for the proposed retail development along East Avenue.
- F. Correspondence dated October 23, 2001 from Michael Gotto of Technical Services, Inc. transmitting both paper copies and mylar copies of the Final Project Plans for the Neighborhood Housing Initiative, Inc.

MOTION: by **John Cole**, seconded by **Roger Lachapelle** to accept the above correspondence and place it on file to be read at the appropriate time.

VOTED: 6-0.

John Cole recused himself from the Planning Board on the following item.

IV. PUBLIC HEARING: A proposal by John Bolduc to amend a Conditional Rezoning Agreement by rezoning property located at 16 Wellman Street from the Office Service (OS) to the Urban Enterprise (UE) District. James Lysen read his memorandum dated Friday, October 19, 2001. John Bolduc has submitted to the Planning Board a proposal to amend a Conditional Rezoning Agreement by rezoning property located at 16 Wellman Street from the Office Service (OS) to the Urban Enterprise (UE) District. Enclosed in the Planning Board packets were the Petition to Amend a Zoning of Properties from OS to UE, with the required ten (10) signatures of residents of the City of Lewiston being at least 18 years old and a Proposal for Conditional Rezoning.

This property was Conditionally Rezoned to OS on February 15, 2000. John Bolduc would like to amend the Agreement in order to allow commercial parking, limited to building tenants and rental spaces, mixed use structures, and professional and business offices, on his property, which is not permitted in the OS District. John Bolduc also would like to use a portion of his building for a professional and business office with a residential unit in the upper floor. The OS District also reduces the front setback requirements from 50 to 25 feet.

After reading his memorandum, James Lysen showed photographs of views of the property taken, both front and rear. 16 Wellman Street is located between Bardwell and Wellman Streets. This is basically a proposal where John Bolduc would like 8-10 parking spaces. The OS District has stringent setback requirements. John Bolduc's prior expansion was vertical. James Lysen stated that this site has changed over time. Some agreements will restrict uses. John Bolduc is imposing certain conditions concerning his hours of operation, lighting, hazardous materials storage, prohibition of tractor trailer vehicles, and noise.

John Bolduc was present and spoke very briefly about what he is presenting. John Bolduc said that on the Wellman Street side is a storage facility on the first floor. A small business will occupy downstairs with parking being provided in the front. He would like to accommodate parking for Bates College students. He would like to place a small business in the upstairs.

This meeting was then opened to the public for comments and concerns.

George Ouellette (252 North Bardwell Street) stated that he is against this project. This property is directly across the road from his property. There are various code violations. This is not a new problem. There is a lot of debris on the property. Last winter, snow was dumped on surrounding properties. George Ouellette referenced Dr. LaFlamme's (106 Russell Street) concerns with parking. However, Dr. LaFlamme was not present at this meeting. George Ouellette said that all violations have been ignored. He stated that John Bolduc has destroyed the neighborhood. This is a congregation area. George Ouellette then stated that the Planning Board should correct the old business before starting any new business. He also made reference to the addition. He said that a permit was issued for a 30' x 49' addition on the second floor. The addition is 30' x 54'. John Bolduc responded that the extra footage is where the bulkhead is. George Ouellette stated that John Bolduc is causing a public safety hazard.

Julie Clark (17 Wellman Street) owns a two- (2-) family home. She has a five- (5-) year old son. She said that this property is currently a commercialized parking lot and the property is not zoned for this. She is awoken at night with Bates College parties. Julie Clark said that she was also speaking on behalf of Mr. Blouin, who also was not present at this meeting. Julie Clark mentioned that the basement of Sheila Woodard's home was flooded from snow placement. Julie Clark stated that she does not have a problem with John Bolduc having an apartment there. Her only concern was with a commercial parking lot there. There is a lack of safety for children in this area, especially with an increase in traffic. She is also concerned with the resale value of homes in this area.

Sally Ray (an upstairs tenant of **Julie Clark**) said that there is a lot of noise late a night and a lot of snow. She stated that parking is also a concern.

Lillian Ouellette (252 North Bardwell Street) stated that she has no problem with Bates College. She feels hurt and insulted, but holds respect for Land Use Inspection Officer David Hediger.

George Ouellette stated that there is an oil tank and bricks presently on this property. On March 19, 2001 a Notice of Code Violation was issued. This is selective enforcement. None of these violations have been followed up on.

For the record, **City Councilor Renee Bernier** was present at this meeting.

Gil Arsenault stated that there has been follow up by Code Enforcement. This is a bad situation. Activities have been ceased there. There is no recourse in Superior Court. Gil Arsenault said that it is not Code Enforcement's goal to punish people. He said that David Hediger generated an order. John Bolduc fully admitted that there were situations. John Bolduc is currently working with the City. There is a merit to the request.

The only concern on file is from George Ouellette. George Ouellette stated that there should also be a complaint on file from **Sheila Woodard**, a real estate broker for 19 years and former teacher. Sheila Woodard is an abutter. She owns property that was the former Lever's Day Care site. Sheila Woodard was present at this meeting. She commented that she is not sure what is being done. She did state that parking is a problem. She rents out this property. There is also a tremendous amount of water and lots of trash and bottles. Her property is currently for sale. She is also concerned with this hurting the property value.

There were no further comments from John Bolduc or public comment. This item was then turned back to the Planning Board for questions or comments.

Roger Lachapelle asked, "What has been taken care of?" At this point in the meeting, George Ouellette then gave a listing of violations to Roger Lachapelle. Dennis Mason also referred to David Hediger's memorandum dated October 23, 2001, which gives a history of Code Enforcement's involvement with John Bolduc and his property at 16 Wellman Street. This memorandum was distributed at the Planning Board Meeting. George Ouellette stated that the zoning is too vague and made reference to the hours of operation, storage of material at this site, and that there is steady traffic through this area.

Sheila Woodard commented that the stockade fence has been taken down.

James Lysen said that this was brought to this Board to amend the Conditional Rezoning Agreement. Part of the compliance would be that this project would need to go through development review. Legislative authority will restrict uses. There is an ability to amend this Agreement as it moves forward. James Lysen said that this property needs to be brought into full conformance.

Roger Lachapelle stated that his biggest concern is where there are a lot of children in this area, there is a safety issue and traffic and he is also concerned with hazardous materials. This needs to be taken care of.

Rob Robbins agreed with Roger Lachapelle. Rob Robbins said that we have zoning for a reason. He is greatly concerned with parking. Rob Robbins said that he also has a great concern going forward with rezoning this property to the Urban Enterprise (UE) District.

Dennis Mason said that the violations need to be taken care of first. This premise is not suited for commercial uses. He does not see how it can be approved.

Gil Arsenault mentioned to historically try to consider the UE District and legitimize the same uses for the OS District. This would preserve construction. They are trying to do "damage control". James Lysen added that mixed use is permitted in the U.E. District. If this project is not approved, in order to be brought into compliance, part of the addition would need to be removed.

Gil Arsenault said Code Enforcement's protocol is to first receive a compliant. It will then be followed up on.

John Bolduc said that he did not realize that the property line is taken from the middle of the road. In relation to the fence and gate, everything was addressed in David Hediger's memorandum. He said that he is trying to stay abreast and work with the program. There is a pallet of bricks on the side of the building and an oil tank. These are shown on the photographs that were taken and presented to the Planning Board. John Bolduc said that he wants to turn the office space into an apartment. His hours of operation is from 6:00 a.m. to 5:00 p.m. He said as to snow removal, he is willing to work with the Board. This can be resolved.

John Bolduc also said that he is willing to accommodate parking for customers of Russell Street Variety and wants be of benefit to the neighborhood. He is trying to make the right choices.

Julie Clark spoke up and said that this does not benefit us at all. This does, however, decrease property values.

It was mentioned that Bates College needs to solve this problem. Bates College cannot be creating problems with neighborhoods, i.e. parking issues.

Dennis Mason said that this property is not suitable for commercial parking and that he is opposed to that for a use. Snow removal needs to be addressed. This limits uses under Section (9) (A) of the Conditional Rezoning Agreement. The second story deck is within the side setback and the second story addition is within the front setback, both without receiving a modification from Code Enforcement or the Board of Appeals. A good portion of the addition would need to be removed even with modifications. The side setbacks do change from the OS to the UE Districts. This could meet with setbacks. The side setbacks could be reduced. Vegetation was removed previously. There, being no further comments, the following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Kristine Kimball** that the Planning Board send a favorable recommendation to the City Council to amend the Conditional Rezoning Agreement to rezone the conditionally-rezoned property located at 16 Wellman Street from the Office Service (OS) District to the Urban Enterprise (UE) District, subject to the following changes: 1. Change the reference of the Neighborhood Conservation "A" (NCA) District to read "Office Service (OS)" District; 2. Eliminate Item (A) (3), Commercial Parking for building tenants & rental spaces, from permitted uses; 3. Address the snow removal issue; 4. That there be no exterior storage for any of the uses; 5. Return the hours of operation from 5:30 a.m. to 9:00 p.m. to 6:00 a.m. to 8:00 p.m.; and 6. Eliminate all references to parking as a use within the Agreement.

VOTED: 4-1-0 (Mason).

At the end of this meeting, photographs taken of the site were handed to Planning Division Administration Secretary **Doreen (Asselin) Christ** to be placed in the file for future records.

V. FINAL HEARINGS:

A. A Final Hearing on a Development Review application by Richard B. Tonoli to install 22 self-storage units and a two- (2-) bay car wash at the property located at 741-747 Main Street. David Sanborn read his memorandum dated October 18, 2001. The application is proposed by Richard Tonoli to install 22 self-storage units and a two- (2-) bay car wash. At the Planning Board Meeting held on October 9, 2001 a favorable recommendation was made regarding the Conditional Rezoning Agreement, conditioned that the approved Site Plan become Exhibit A. Also at that same meeting, changes were made to the Site Plan, which include the elimination of the ATM; the increase in the buffering fence height to eight (8) feet (stockade fencing), since sight impervious fencing is no taller than eight (8) feet; and the wrapping of the fence at Unit No. 22 of the self-storage units.

The Public Works Department has accepted the waiver request for the drainage study. All the issues raised by both the Police and Fire Departments have been addressed.

Mike Gotto, from Technical Services, Inc. was present at this meeting. He said that **Richard Tonoli** had two (2) requests. 1. The power service and 2. An adjustment in the lot lines between Parcels "B" and "C". Central Maine Power Company has a problem running underground service. This has to be encased in concrete, since it is within a public right-of-way, and could turn out to be very expensive for both the power company and the owner of the car wash facility. Richard Tonoli is requesting that there be an overhead power service for the car wash and the adjustment in the aforementioned lot lines. This is referenced in the correspondence and the attached, revised Topographic Site Plan dated October 23, 2001 and distributed at this

meeting. The common boundary, as shown on the Site Plan, is between the car wash (Parcel C) and the storage facility (Parcel B), along the stockade fence line. All landscaping will end up on the car wash site.

Mike Gotto also stated that the stockade fence is to obscure the view of the self-storage buildings. The buildings are 10 feet high. The eight foot (8') stockade fence will partially obscure the view. The remaining two feet (2') of the buildings will be seen. However, the new building will shield the self-storage buildings. As mentioned earlier, Mike Gotto said that the ATM has been eliminated from Richard Tonoli's application.

John Cole made reference to Item (B), "*Box cars, shipping containers, tractor-trailer units and similar storage containers are prohibited as storage units or from being stored on the site*", of the Conditional Zoning Agreement. These are portable self-storage units! John Cole requested that the type of storage unit (or similar) be made part of the Agreement (by product identification name).

There was no public comment on this item and the following motions were made.

MOTION: by **John Cole**, seconded by **Dennis Mason** to reconsider the recommendation taken at the October 9, 2001 Planning Board Meeting on the proposal to Conditionally Rezone 741-747 Main Street from the Highway Business (HB) District to the Urban Enterprise (UE) District.

VOTED: 6-0.

MOTION: by **Roger Lachapelle**, seconded by **Kristine Kimball** that the Planning Board send a favorable recommendation to the City Council on a Conditional Rezoning Agreement to rezone the property located at 741-747 Main Street from the Highway Business (HB) District to the Urban Enterprise (UE) District, subject to the additional conditions that the type of storage unit (or similar) be made part of the Agreement (by name); and that a fence height of eight feet (8') is deemed to be adequate for buffering.

VOTED: 5-0-1 (Robbins Abstained).

Before the final motion was made, Mike Gotto stated that the Maintenance Agreements are in progress and that the lawyers are currently working on them. This is a condition in the Purchase & Sale Agreement. Also, Note No. 7 on the Topographic Site Plan, shall read, "*All parcels (instead of two parcels - Parcels B and C) shall be subject to reciprocal easements for access, maintenance, and utilities*". The following motion was then made.

MOTION: by **John Cole**, seconded by **Roger Lachapelle** that the Planning Board determines the application by Richard B. Tonoli, 741-747 Main Street, to install 22 self-storage units and a two- (2-) bay car wash at the property to be complete and that it meets the applicable criteria under Article XIII, Section 4 of Appendix A, Zoning and Land Use Code and grants final approval, subject to the Conditional Rezoning Agreement.

VOTED: 5-1-0 (Robbins Opposed).

B. A Final Hearing on a Development Review application to renovate the northern portion of Mill #3 in conjunction with Phase II of the Bates Mill Complex Redevelopment project. The application is also being reviewed under the City's expanded review authority pursuant to MDOT's Traffic Movement Permit process. The Planning Board unanimously

agreed to waive the reading of the memorandum prepared by David Sanborn, which was dated October 19, 2001. **Steve Myers** gave a brief summary of the project. Mill No. 3 is a four- (4-) story, 167,000 square foot building located on Lot No. 2 of the Bates Mill Commercial Subdivision. Phase 1 of the mill renovations was completed last year. This project will be Phase 2 and will include renovations to the northern portion of the building to create an expanded bank operations center and professional office spaces. There will be no new impervious surface created. The Bates Mill Complex is located in the Mill Complex District. Renovations

include masonry restoration, new windows, walnut shell blasting of all interior surfaces, an elevator located at the northern end of the northern second floor, stair tower, updated mechanical systems, and current and future

tenant fit-up.

Comments received from the Fire Department indicate a concern for the lack of an automatic sprinkler system in the two (2) cross connectors attached between Mill Nos. 1, 2, and 3. Due to the location and height of the cross connectors, fire suppression activity would be difficult. The City is looking into providing sprinkler systems in these areas. There were no other concerns from the other departments.

This application is also being reviewed under the City's expanded review authority, therefore, a traffic study was included in the Planning Board packets and was submitted by Gorrill-Palmer Consulting Engineers, Inc. Distributed at this meeting was the Revised Traffic Impact Study which shows Lincoln Street as a north-south street.

A Scoping Meeting on the traffic study was held between the Public Works Department and Planning Staff and found that it was adequate for the project. The M.D.O.T. will require a Scoping Meeting. This project needs to meet all M.D.O.T. requirements. The study area is the Chestnut Street area. The study area is accurate. Adequate parking for the new development will be available in the newly-completed Chestnut Street Parking Garage. The peak traffic hour is in the morning. Steve Myers stated that the parking garage will be 1/3 full when this is complete. Since there was no public available for comment and no questions or concerns from the Planning Board, the following motion was made.

MOTION: *by John Cole, seconded by Rob Robbins that the Planning Board grant the Modification/Waiver Request Form, as submitted; concur with the Study Area finding made at the 10/04/01 Traffic Scoping Session Meeting; meets all of the applicable criteria under Article XIII, Section 4, of Appendix A, Zoning and Land Use Code; and grants final approval to the application to renovate the northern portion of Mill No. 3 in conjunction with Phase 2 of the Bates Mill Complex Redevelopment project, subject to the necessary traffic improvements and resolution of the sprinkler issue in the cross-connectors between the mill buildings.*

VOTED: 6-0.

John Cole recused himself from the Planning Board on the following item.

C. *A Final Hearing on a Development Review application by the Sisters of Charity Health Care System to amend their Campus Plan by constructing or expanding parking areas at 278 Sabattus Street, 376-386 Sabattus Street, and 4 Lafayette Street. The application is also being reviewed under the City's expanded review authority pursuant to the D.E.P.'s Site Location of Development Law.* The reading of the memorandum prepared by David Sanborn dated October 19, 2001 was waived.

An application has been submitted to amend the St. Mary's Regional Medical Center Campus Plan by constructing three (3) separate parking lots adjacent to the hospital. The parking areas are at 278 Sabattus Street, 376-386 Sabattus Street, and 4 Lafayette Street and total 0.65 acres. Staff is confident that these parking lots will be able to be reviewed under the City of Lewiston municipal review authority and are awaiting a response from the M.D.E.P. as to jurisdiction in the form of a sign-off letter. Pursuant to that law and to meet requirements of the Storm Water Management Law, the SOCHS commissioned an "Existing Condition Storm Water Analysis by Technical Services, Inc. and SJR Engineering, Inc. for the entire St. Mary's campus since 1971. It was determined by the D.E.P. that the development of the campus to date had exceeded the 7.0 acres of non-revegetated area threshold, that allows for expanded review by the City by 0.28 acre. However, the D.E.P. has not exerted jurisdiction over the last two (2) projects at St. Mary's. Included in the Planning Board packets were: 1. An Erosion Control Narrative and Storm Water Study prepared by SJR Engineering, Inc.; and 2. The Application for Development Review prepared by Technical Services, Inc. The documents have been submitted to the D.E.P. requesting the City's Site Law review authority.

There were no concerns from the Police and Fire Departments. Public Works, as referenced in their letter dated October 17, 2001 (included in the Planning Board packets) has reviewed and approved the "Existing Conditions Storm Water Analysis", the Site Plan, and both the erosion control narrative and storm

water study for these parking lots. Public Works expressed concern that there should be a catch basin installed in the parking lot on the corner of Sabattus and Lafayette Streets and that the drainage deficiency located on Sabattus Street and the abandoned street should be addressed. A response to Public Works from Michael Grimmer, Facilities Management of SOCHS regarding Golder Street Drainage Issues dated October 23, 2001 was distributed to the Planning Board Members at this meeting. This letter is documentation of SOCHS intent to work with the Public Works Department to address drainage issues associated with development of the additional parking lots in the former Golder Street area. The studies completed have identified some sizing problems with the existing storm drain piping systems in this area.

Mike Gotto, of Technical Services, Inc. was present at this meeting. Mike Gotto showed and explained on the Topographic Site Plan the location of the properties and explained access off of Sabattus Street with two (2) curb cuts. Mike Gotto stated that SOCHS would like this to be in use for this winter. A catch basin, requested by the Public Works Department, has been added. Also, a new six foot (6') tall, wood stockade fence has been placed along the Grenier property (392 Sabattus Street). 4 Lafayette Street is too close to Campus Avenue, therefore, two (2) parking spaces have been eliminated, which is less pavement, as designed.

There was no public comment.

According to Mike Gotto, everything has been completed in regards to 278 Sabattus Street, which includes proposed lighting being shown on the Plan, the street trees being a minimum of 2.5 inches in caliber and being planted and shown on the Site Plan every 30-50 feet.

Mike Gotto said that, as to 4 Lafayette Street, they did not propose to close the curb cuts. The six foot (6') tall, wood stockade fence meets the side setback requirements. There is no dumpster shown on the plan. However, the existing dumpster adjacent to the proposed parking lot will need to be screened. A couple of street trees will be 2.5 feet in caliber and placed on the Campus Avenue intersection.

376 Sabattus Street is a stand-alone property.

In summary, there will be less impervious area on all three (3) properties.

James Lysen stated that the D.E.P. has verbally signed off on review authority and Planning is awaiting correspondence in that effect. The calculations need to be kept on two (2) separate projects. This needs to be kept in a triangle area. There is to be no parking on the front of the existing building on Sabattus Street. The following motion was made.

MOTION: *by Roger Lachapelle, seconded by Kristine Kimball that the Planning Board grants the requested Modification/Waiver Request Forms; that the application by the Sisters of Charity Health Care System (SOCHS) to amend their Campus Plan by constructing or expanding parking areas at 278 Sabattus, 376-386 Sabattus, and 4 Lafayette Streets meets all the applicable criteria under Article XIII, Section 4, of Appendix A, Zoning and Land Use Code, and grants final, subject to the following: 1. The Site Plan indicating both pre- and post-impervious and open space ratios; 2. The D.E.P. not exerting jurisdiction; 3. The elimination of two curb cuts on Campus Avenue and 4 Lafayette Street; 4. That there be no parking at 376-386 Sabattus Street in front of the existing building ; and 5. The planting of two (2) street trees at the Campus Avenue intersection.*

VOTED: 5-0-1 (Cole Abstained).

John Cole stepped back up to the Planning Board on the remaining agenda items.

As mentioned earlier and placed under Item II, Adjustments to the Agenda is the de minimus change to the Neighborhood Housing Initiative, Inc.

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This item was presented by **Mike Gotto** of Technical Services. As listed on his correspondence dated October 23, 2001, the following are the minor changes made to the plan: 1. A six foot (6') high, black, vinyl chain-link fence has been added along the top perimeter of the development area. 2. A guy pole has been retained along the southerly side of the former Maple Street. Central Maine Power Company (C.M.P.) requested that this remain in this location. 3. All power services for the units will now extend underground from the guy pole to two (2) meter stations and each meter

station will include eight (8) meters for each housing unit and one for the common facilities. 4. The retaining wall behind Unit No. 10 has been redesigned to provide two (2) levels. The dividing line will be along the common wall of Unit Nos. 9 and 10 and will allow Unit No. 10 to be constructed with a daylight basement, similar to Unit Nos. 11 and 12. 5. The proposed catch basin behind Unit No. 10 has been eliminated. 6. The sewer service for Unit No. 10 is now directed to an existing manhole structure located in Blake Street. 7. A signature block has been added to the Site Plan for the signature of the Planning Board Chairman.

After Mike Gotto listed the above changes and there being no public audience, the following motion was made.

MOTION: *by Rob Robbins, seconded by Kristine Kimball that the Planning Board determines the changes made to the Site Plan for the Neighborhood Housing Initiative, Inc. are of a de minimus nature and authorizes the Planning Board Chairman to sign the revised mylar.*

VOTED: 6-0.

VI. OTHER BUSINESS:

A. New Business:

1. *Review and perhaps initiate a proposal to amend the Zoning and Land Use Code pertaining to Frontage and Right-Of-Way Provisions.*

Enclosed in the Planning Board packets was a memorandum prepared by **David Hediger**, Land Use Inspection Officer, and "An Ordinance Pertaining to Frontage and Right-Of-Way Provisions". There are concerns with the Right-Of-Way (ROW) being proposed and some of the changes are not needed or in the best interest of the City. There are a couple of parties interested in seeing this process (Staff Review Committee) expedited, since projects are being held up due to code standards concerning driveway site distances and slopes.

Due to the lateness of this meeting it was decided to read, adjust, and hear this item as a Public Hearing at the next Planning Board Meeting to be held on November 13, 2001.

MOTION: *by John Cole, seconded by Rob Robbins to schedule the proposal to amend the Zoning and Land Use Code pertaining to Frontage and Right-Of-Way Provisions to be heard as a Public Hearing at the November 13, 2001 Planning Board Meeting.*

VOTED: 5-0-1 (Mason Opposed).

After this motion, it was mentioned that Planning Board Staff will be responsible for placement of a Public Notice in the local newspaper on this item.

2. *Update status of East Avenue Conditional Rezoning and proposed schedule for the Development Review Process.*

Briefly mentioned was that final passage of the proposal to Conditionally Rezone properties along East Avenue between Lisbon and Pleasant Streets was voted on at the last City Council meeting in favor of the rezoning. The schedule for the proposed development review process is: a. 11/13/01 (Pre-Application Hearing); b. 11/27/01 (Determination of Completeness Hearing); and c. 12/11/01 (Final Hearing). Distributed at this meeting was the Traffic Impact Study. Reference was also made to CDA 48, Article 9 - Standards to be as a matter-of-right and to the correspondence dated October 15, 2001 to Ron Bissonnette of Isaacson & Raymond from City Councilor James Carignan (distributed at this meeting) stating his willingness to support this initiative and conformation before the City Council Meeting of October 16, 2001.

3. *Discussion concerning Planning Board Minutes.*

Due to the lateness of this meeting, this item will be rescheduled for the next regularly scheduled Planning Board Meeting of November 13, 2001. The following motion was made.

MOTION: *by **Roger Lachapelle**, seconded by **John Cole** that the Planning Board moves to schedule the discussion concerning the Planning Board Minutes until November 13, 2001.*

VOTED: 6-0.

VII. READING OF THE MINUTES: The reading of the minutes was waived until the next meeting.

VIII. ADJOURNMENT: This Planning Board Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Dennis Mason, Chairman

DMC:dmc

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